IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Misc. Civil Application (Rest) No. 569/2007 in
Writ Petition No. 2574/1993 (Decided)

Smt. Asha Namdeo Gujar (dead) through her L.R. Manoja Namdeo Gujar and anr.
..vs..
The Union of India, Ministry of Defence and two ors.

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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CORAM: A. P. LAVANDE & R. V. MORE, JJ.
DATED : 27th September, 2007

Heard Mr. Shinde, Advocate for the applicant and Mr. Mishra, Assistant Solicitor General of India for the respondent.

By this application, the petitioner seeks to recall order dated 27.11.2006 passed by this Court holding that the writ petition has abated. The petition was filed by both the applicants. At the relevant time, applicant No. 2 was minor and he was represented by his mother, applicant No. 1.

According to Mr. Shinde, learned counsel for the applicants, applicant No. 2 was born on 17.08.1985 and as such he was major on 27.11.2006 and, therefore, the petition could not have been dismissed as abated.

This position has not been seriously disputed by Mr. Mishra, the learned A.S.G.I.

In view of above, the application is allowed. Order dated 27.11.2006 declaring Writ Petition No.2574/1993 as abated is recalled and the writ petition is restored back to the file.

The application stands disposed of.

JUDGE **JUDGE**

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